

Remarks

Claim 9 remains pending after entry of this amendment. Claims 1-8 and 10-12 were cancelled herein. Favorable reconsideration is respectfully requested in light of the amendments and remarks submitted herein.

Claim 9 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyer et al. (U), Boyer et al. (V), in view of Horikoshi et al. (A), Colaruotolo et al. (B), Boyer et al. (IDS), Takowa et al. (IDS), and Jones (IDS). Applicant respectfully traverses this rejection.

Although Applicant does not agree with the Examiner regarding the above stated rejections, claims 1-8, and 10-12 have been cancelled herein, without prejudice thereto.

With respect to the rejection of claim 9 under 35 U.S.C. § 112, first paragraph, the Applicant notes the Examiner's statement that "Applicants made proper deposit of the biological materials herein employed, claim 9 would be enabled if without the step (a), and would be allowable since both strains are novel as stated in the 132 declaration". In light of this, and in an effort to advance the allowance of claim 9, claim 9 has been amended to remove step (a), and amended in accordance with the removal thereof.


Therefore, Applicant respectfully asserts that claim 9 is in condition for allowance, and notification of that effect is earnestly solicited.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: 6/28/04


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